

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	19 Crim. 366 (LGS)
-against-	:	
	:	<u>ORDER</u>
STEPHEN M. CALK,	:	
	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:		

WHEREAS, on October 23, 2020, Defendant filed a motion *in limine* to preclude the expert testimony of the Government's four proposed expert witnesses -- Joseph Belanger, Catherine Aguirre, Blake Paulson and Jeff McCutcheon -- (Dkt. Nos. 121, 122 and 123), and on November 13, 2020, the Government filed an opposition (Dkt. No. 133).

WHEREAS, on October 23, 2020, the Government filed a motion *in limine* to preclude the testimony of Dr. Andrew Carron; evidence or argument that the quality of the loans, or fraud against Defendant, are defenses to the charged bribery offence; evidence or argument concerning Defendant's prior commission of "good acts"; evidence of irrelevant facts intended to elicit juror sympathy; and evidence or argument that the charges against Defendant are politically or otherwise improperly motivated (Dkt. No. 124), and on November 13, 2020, Defendant filed an opposition (Dkt. No. 130).

WHEREAS, a conference was held on January 26, 2021, during which oral argument on Defendant's motion *in limine* as to Ms. Aguirre and Mr. Paulson was held, an oral ruling as to the motions *in limine* was issued and the parties' positions on trial scheduling were discussed. For the reasons stated during the conference, it is hereby

**ORDERED** that, Defendant's motion to preclude Ms. Aguirre's testimony is **GRANTED**.  
It is further

**ORDERED** that, Defendant's motions to preclude Mr. Belanger's, Mr. Paulson's and Mr.

McCuthcheon's testimony are **DENIED**. It is further

**ORDERED** that, the parties shall meet and confer and **by February 10, 2021**, jointly provide appropriate limiting instructions as to Mr. Paulson's testimony and Mr. Belanger's testimony, as well as limitations on such testimony as discussed at the conference. To the extent the parties are unable to agree, **by February 10, 2021**, the parties shall file a letter outlining the parties' competing proposals, the points on which the parties have reached agreement and the points on which the parties have been unable to reach agreement. It is further

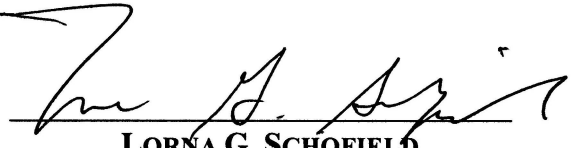
**ORDERED** that, the Government's motion to preclude Dr. Carron's testimony is **DENIED**. It is further

**ORDERED** that, the Government's remaining motions to preclude certain arguments and evidence are **DENIED** as moot, as Defendant has not indicated he intends to make such arguments or offer such evidence, unless related to the case. It is further

**ORDERED** that, **by February 10, 2021**, Defendant shall file supplemental disclosures as to Dr. Carron's testimony, including those regarding Dr. Carron's projections and calculations regarding profit and loss. It is further

**ORDERED** that, a trial in this matter is scheduled for **June 28, 2021, at 10:30 a.m.** It is further

**ORDERED** that, because of the current circumstances of the COVID-19 pandemic — including the challenges in seating a jury, obtaining the presence of out-of-state witnesses, and ensuring the safety of all involved — the Court finds that the ends of justice served by excluding time between today and June 28, 2021, outweigh the best interests of the public and the Defendant in a speedy trial as provided in 18 U.S.C. § 3161(h)(7)(A), and time between today and June 28, 2021, is excluded.

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

The Clerk of Court is respectfully directed to close the motions at Docket Nos. 121 and 124.

Dated: January 27, 2021  
New York, New York